

THE HONORABLE RICHARD A. JONES

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

SWINOMISH INDIAN TRIBAL
COMMUNITY,

Civ. No. C07-1348-RAJ

Plaintiff,

V.

**SECOND AMENDED STIPULATED
MOTION TO APPROVE CONSENT
DECREE; ORDER APPROVING CONSENT
DECREE**

SKAGIT COUNTY DIKE DISTRICT NO. 22,)
BOARD OF COMMISSIONERS OF SKAGIT)
COUNTY DIKE DISTRICT NO. 22,)
STANLEY E. NELSON, NOLAN LEE,)
CURTIS B. WYLIE, ROBERT A. HUGHES,)
and DAVID HUGHES,)

Defendants.

Pursuant to the Court’s September 5, 2008 summary judgment order, plaintiff Swinomish Indian Tribal Community (“Tribe”) and defendants Skagit County Dike District No. 22, et al. (“District”) jointly move this Court to adopt the attached Amended Consent Decree settling the remedy for the District’s violations of the Clean Water Act (“CWA”) and Endangered Species Act (“ESA”). The Amended Consent Decree, which is lodged herewith as Exhibit 1, represents a good faith settlement of the remaining disputed issues in this case and is consistent with and advances the goals of the CWA and ESA.

**SECOND AMENDED STIPULATED MOTION TO APPROVE
CONSENT DECREE; ORDER APPROVING
CONSENT DECREE (C07-1348-RAJ) - 1 -**

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1 The parties have agreed to make minor changes to the previously filed consent decree at
2 the request of the federal government, and those changes are reflected in the amended consent
3 decree attached to this motion. The parties have been informed that because the government's
4 proposed changes have been agreed to by the parties, the government has no objection to the
5 entry of this amended consent decree and it can be formally adopted by this Court. **Accordingly,**
6 **the parties respectfully request that the Court enter this Amended Consent Decree at its**
7 **earliest convenience.**

8 Respectfully submitted this 28th day of January, 2009.

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11 /s/ Jan Hasselman
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21 /s/ Gary T. Jones
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Attorney for Defendants

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DATED this 29th day of January, 2009.

The Honorable Richard A. Jones
United States District Judge